

**Date:** May 17, 2016

**To:** Thomas J. Bonfield – City Manager  
**Through:** W. Bowman Ferguson – Deputy City Manager  
**From:** Marvin G. Williams – Director of Public Works  
**Subject:** Award of Contract – Debris Removal and Management Services

### **Executive Summary**

On December 4, 2015, the City of Durham's Department of Public Works (DPW) received responses to its Request for Proposals (RFP) from qualified individuals and/or firms for the clean-up, demolition, removal, reduction and disposal of debris as a part of disaster recovery services after major weather events that may impact the City of Durham (City). Based on a review of qualifications of responding firms, combined with presentations made to DPW staff on each firm's financial stability, recent activations for similar contracts and technical approach to responding to an event that may impact the City; staff has identified AshBritt, Inc.(AshBritt) as the selected firm to provide these services. Estimates for debris amounts within the City were based on the United States Army Corps of Engineer (USACE) debris modeling program. Based on preliminary debris estimates for a Category 1 hurricane, AshBritt has submitted an initial price of \$3,259,410.00. Funding for this contract will be needed at the time it is activated; prior to activation there is no cost tied to this contract.

### **Recommendation**

The Administration recommends that the City Council:

1. Authorize the City Manager to execute a contract for Debris Removal and Management Services with AshBritt, Inc. in an amount not to exceed \$3,259,410.00; and,
2. Authorize the City Manager to negotiate change orders to this contract as needed to provide debris and management services during federally declared emergency weather events or during disasters that cause damage that is beyond the City's internal response and recovery capacity.

The total cost of this contract will be variable and will be determined by each individual weather event that impacts the City, if/when the contract is activated and which items are used from the contract.

### **Background**

The Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program has been developed to provide assistance to State, Tribal and local governments (and certain types of Private Nonprofit organizations) so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. Through the PA program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process. The Federal share of assistance is typically 75% of the eligible costs for emergency response, debris removal measures and permanent restoration. The grantee to the PA program

(in our case the State of North Carolina would be the grantee) determines how the non-Federal share (up to 25%) is split with subgrantees to this program (City).

In order to receive funding from this program, eligible participants must utilize the competitive and/or sealed bid/proposal process to receive prices for debris removal and disposal services from qualified contractors. The prior debris removal and management contract for the City was last bid in 2009 and that contract has expired. The DPW issued a new revised RFP for debris removal and management services in late 2015 in compliance with the most up to date PA Grant Program requirements.

The primary purpose of the contract is to maintain the public health, safety, and well-being of residents, business owners and the traveling public during the response to an emergency situation; as well as to restore City-owned streets and various public areas to a normal condition after a disaster. The work to be performed under this contract will consist of collection, removal, reduction and disposal of debris caused by a disaster.

In response to the advertisement, staff received competitive bids/proposals from qualified firms to provide the labor, tools, equipment and other resources necessary to perform debris removal and management services. A total of eight (8) bids/proposals were received by the DPW for provision of services outlined below and requested by the DPW (vegetative debris removal, debris site management, loading/hauling vegetative debris, debris reduction by various methods, construction and demolition debris management, white good disposal, electronic waste management, etc...). Estimates for debris amounts within the City were based on the United States Army Corps of Engineer (USACE) debris modeling program. Estimated debris amounts for a Category 1 hurricane impacting the City are approximately 195,000 cubic yards (CY) of vegetative debris and 10,000 CY of construction and demolition debris. Estimates for white goods (household appliances) and electronic waste (e-waste) are highly unpredictable and were included as a per unit bid item with an initial estimate for select items based on estimates that were provided in similar RFP's from other communities that are similar in size to Durham. Bids submitted from the various contractors ranged from \$2,664,935 to \$3,673,250; with AshBritt submitting a bid of \$3,259,410.00.

Staff has reviewed the technical approaches and fee schedules submitted by each firm and verified their past performance with other agencies who have recently utilized their services. Based on the submitted bids/proposals, the references provided by each company, the technical approach that each company has submitted to support a disaster impacting the City and the pricing information provided; the Administration recommends that the City Council authorize the City Manager to execute a contract for Debris Removal and Management Services with AshBritt, Inc.

### **Issues and Analysis**

The City has previously advertised and awarded a contract for debris removal, planning and management services in 2009 to AshBritt, Inc. To date, this contract has never been activated and no funding has been utilized to support this contract. The prior debris removal and management contract has now expired and the DPW issued a new revised RFP for debris removal and management services in late 2015, in compliance with the most up to date PA Grant Program requirements.

In order to remain eligible for reimbursement through the State of North Carolina from the PA Grant Program that is administered by FEMA, the City must procure the services of a contractor for debris removal and management services:

- Though a full and open competitive bid process;
- Conduct all necessary steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms when possible;
- Exclude contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals from competing for such procurements to ensure objective contractor performance and eliminate unfair competitive advantage; and
- Maintain records sufficient to detail the history of the procurement.

### **Alternatives**

The Council can choose not to award a contract for debris removal and management services. This would make the City ineligible for assistance from the PA Grant Program unless the City is able to verify with FEMA that one (or more) of the following conditions have been met:

- The services for debris removal and management is only available from a single source;
- The public emergency is greater than the need to meet the requirement to competitively bid;
- FEMA authorizes a noncompetitive proposal in response to a written request from the State of North Carolina and the City; or
- After solicitation of a number of sources, competition is determined inadequate

The Council may also choose to award this contract to another company that responded to this proposal with a lower initial price submission. However, the technical approach submitted by several firms who responded to this RFP did not provide specific details as to how debris removal and management operations would be addressed within the City. Most provided very general responses to this portion of the RFP that reflected how debris removal and management operations work in general.

### **Financial Impact**

This RFP has no financial impact to the DPW or the City unless the contract is activated during federally declared emergency weather events or during disasters that cause damage that is beyond the City's internal response and recovery capacity. The total cost of this contract will be variable and will be determined by each individual weather event that impacts the City, if/when the contract is activated and which items are used from the contract

### **SDBE Requirements**

No MSDBE or WSDBE goals were set for this RFP.

### **Attachments**

Draft Contract and Scope of Work